S.B. CIVIL WRIT PETITION NO.4721/2003

Vijay Kumar Bakolia vs. JNV University and another.

Date : 22.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Sunil Beniwal, for the petitioner.

Mr. DC Sharma, for the respondents.

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Heard learned counsel for the parties.

The petitioner was successful candidate in Pre Pharmacy Test, 2003. According to the petitioner, during counseling, he was told that no vacancy is available in the Government college, therefore, he submitted his option form giving his option for private college. The petitioner has been given admission in the private college whereas the students who had lesser marks have been allotted Government College. According to the petitioner, by this the petitioner was deprived from taking admission in the Government college and because of this reason only, he had to pay the huge amount of fees.

According to learned counsel for the petitioner, it is clear from the admitted facts that the students who were below the petitioner were given admission in the government college and that too after offering private college and after denying the Government college.

Learned counsel for the respondents submits that the petitioner himself submitted the option form before the

Coordinator giving his option for two colleges. The Coordinator allotted one college out of the choice given by the petitioner, therefore, there is no question of depriving the petitioner.

Learned counsel for the petitioner vehemently submitted that there arises no question of any student opting the private college when admission to government college is available to him on very less amount than the amount which is charged by the private college.

It appears from the facts that the matter is relating to admission in the year 2003. Though the petitioner preferred writ petition in the year 2003 but now two years have already passed. The duration of the course is four years. In this mid session, no relief can be granted to the petitioner because of the simple reason that this fact cannot be determined by this Court without recording any evidence that in fact whether the Coordinator deliberately misguided the petitioner or the petitioner himself voluntarily submitted the option form.

Learned counsel for the petitioner at this stage submits that he has trustworthy evidence to prove this fact that he was misguided to take admission in the government college. If it is so, then that is also a piece of evidence required to be examined by this court and for that purpose, all the parties are required to lead evidence, therefore, this is not the appropriate forum where such questions of fact can be determined.

It the petitioner has any grievance against any person for misleading him, then he may take appropriate steps before the appropriate forum in accordance with law.

In view of the above discussion, this writ petition, having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya